



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Honorable E. G. Garvey  
County Auditor  
Bexar County  
San Antonio, Texas

Dear Sir:

Opinion No. 0-6463  
Re: Whether the salary of an  
Assistant Custodian and  
Inventory Clerk can be  
paid from the General Fund  
of the County.

Your letter of March 6, 1945, requesting the opinion  
of this Department on the question stated therein, is in part,  
as follows:

"Please furnish me with an opinion on the  
following matter.

"The General Fund Court House pay roll covers  
salaries for employees whose services are rendered  
pertaining to the operation of the Court House and  
the titles of these employees are such as Building  
Superintendent, Elevator Operators, Janitors, etc.

"The Commissioners' Court employed and placed  
on the Court House pay roll an employee giving him  
the title as Assistant Custodian and Inventory Clerk.  
If this Clerk renders his services in the Commission-  
er's Precincts taking their inventory or at other  
County Institutions taking inventory and is not ren-  
dering service pertaining to the Court House, can his  
salary be legally paid from the General Fund Court  
House pay roll?"

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Generally speaking, the County Commissioners' Court is the active governing body of the County, with a jurisdiction that touches in some respects almost every feature of the county's business, and the Court has full and general charge of the business affairs of the County. (Ehlinger v. Clark, 8 S. W. (2d) 666; Gusset v. Huecos County, 235 S. W. 657; Tex. Jur., Vol. 11, P. 466). The term "county business" should be given a broad and liberal construction so as not to defeat the purpose of the law. And it is held that the Commissioners' Court has implied authority to do what may be necessary in the exercise of the duties or powers conferred upon them. (City National Bank v. Presidio County, 26 S. W. 775; Glenn v. Dallas County Bois d'Arc Island Levee District, 275 S. W. 137).

The law is well settled with reference to the authority of the Commissioners' Court, as stated in Texas Jurisprudence, Vol. 11, P. 564:

"Commissioners' Courts are courts of limited jurisdiction, in that their authority extends only to matters pertaining to the general welfare of their respective counties and that their powers are only those expressly or impliedly conferred upon them by law, -- that is, by the constitution and statutes of the state."

For the purposes of this opinion, we assume, that the Commissioners' Court employed the person mentioned to perform certain duties in connection with the business affairs of the County. We understand your question to be: Can the salary of the "Assistant Custodian And Inventory Clerk" be legally paid from the General Fund of the County?

The Supreme Court stated, among other things, in the case of Bexar County et al v. Mann, 157 S. W. (2d) 134:

"All county expenditures lawfully authorized to be made by a county must be paid out of the county's general fund unless there is some law which makes such expenditures a charge against a special fund."

We know of no law making the above mentioned expenditures a charge against a special fund. Therefore, it is our opinion that the salary of the above mentioned employee must be paid from the General Fund of the County.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*  
Ardell Williams  
Assistant

APPROVED  
OPINION  
COMMITTEE  
BY *BLW*  
CHAIRMAN